

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DIONE MILLAR, as parent and
natural guardian of NATHAN
XAVIER YOUNGERMAN, a minor,

Petitioner,

vs.

Case No. 17-4484N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent.

_____ /

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305(7), Florida Statutes, upon the Stipulation and Joint Petition for Compensation of Claim Arising Out of Florida Birth-Related Neurological Injury Pursuant to Chapter 766, Florida Statutes (Stipulation and Joint Petition), filed with the Division of Administrative Hearings on May 18, 2018, for the entry of an order approving the resolution of a claim for compensation benefits filed in accordance with the provisions of chapter 766 and a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their stipulation, Petitioner, Dionne Millar as parent and natural guardian of Nathan Xavier Youngerman (Nathan), a minor, and Respondent, the Florida Birth-Related

Neurological Injury Compensation Association (NICA), have agreed that Dionne Millar is the parent and legal guardian of Nathan Xavier Youngerman, a minor; that Nathan was born a live infant on or about July 7, 2015, at Holmes Regional Medical Center, a "hospital," as defined by section 766.302(6), located in Melbourne, Florida; and that Nathan's birth weight exceeded 2,500 grams. The Parties have further agreed that Lance Maki, M.D., and Christine Trupiano, M.D., provided obstetrical services at Nathan's delivery and were "participating physicians" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The Parties have agreed that Nathan suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Nathan's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on May 18, 2018, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Dione Millar, as the parent and legal guardian of Nathan, a minor, is awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as periodic payments to the parent; payment of benefits up to and including the effective date of the Stipulation and Joint Petition pursuant to section 766.31(1)(a), subject to the


provisions of paragraph 19 of the Stipulation and Joint Petition; and payments of future expenses, as incurred.

3. NICA will reimburse T'anjuiming Marx, Esquire, attorney for Petitioner, an agreed-upon attorney's fee of \$10,000.00 and expenses of \$4,961.81, totaling \$14,961.81 in full for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00, past benefit/expenses, and \$14,961.81 for attorney's fees and costs, the claims of Petitioner shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under section 766.31(2) to pay future expenses, as incurred.

5. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any disputes, should they arise, regarding the Parties' compliance with the terms of this Order.

DONE AND ORDERED this 25th day of May, 2018, in Tallahassee, Leon County, Florida.



TODD P. RESAVAGE
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 25th day of May, 2018.

COPIES FURNISHED:
(via certified mail)

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. See § 766.311(1), Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992).